

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

FLOYD COLEMAN, JR., # 239647,)
)
)
Plaintiff,)
)
)
v.) CASE NO. 2:21-CV-775-WKW
) [WO]
PATRICE RICHIE JONES,)
)
)
Defendant.)

ORDER

Before the court is Plaintiff Floyd Coleman Jr.'s *pro se* motion to reopen his case against Warden Patrice Richie Jones. (Doc. # 16.) The motion was received by the Clerk of the Court on November 14, 2022. (Doc. # 16.) As the court has twice advised Plaintiff, this action was dismissed without prejudice on March 9, 2022. (Docs. # 13, 15.)

Plaintiff has not provided any legal reason to justify reopening this action. If Plaintiff believes his rights have been violated, he may file a **new, separate** action alleging a short and plain statement of the claim and of the grounds for the court's jurisdiction. *See* Fed. R. Civ. P. 8(a). Upon filing a new action, if Plaintiff is unable to pay the requisite filing and administrative fees, he may move to proceed *in forma pauperis* in that case. Accordingly, it is ORDERED that Plaintiff's *pro se* motion to reopen his case (Doc. # 16) is DENIED.

As an additional matter, Plaintiff's payment of \$38.00 for a partial fee for filing this action will be returned to Plaintiff. Accordingly, it is ORDERED that the Order granting Plaintiff's motion to proceed *in forma pauperis* (Doc. # 5) is VACATED and that the Clerk of the Court is DIRECTED to return to Plaintiff the \$38.00 partial filing fee received by the Clerk of the Court on September 29, 2022. (Doc. # 12.)

DONE this 22nd day of December, 2022.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE